

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRY DUTRIEVILLE,	)	
Petitioner	)	
	)	
vs.	)	Civil Action No. 05-477
	)	Judge Joy Flowers Conti/
JOHN A. PALAKOVICH; THE	)	Magistrate Judge Amy Reynolds Hay
DISTRICT ATTORNEY OF THE	)	
COUNTY OF ALLEGHENY; THE	)	
ATTORNEY GENERAL OF THE STATE	)	
OF PENNSYLVANIA,	)	
Respondents	)	

ORDER

AND NOW, this 21st day of March, 2006, after the petitioner, Terry Dutrieville, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, upon consideration of the objections filed by petitioner, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Petition for Writ of Habeas Corpus is denied as untimely;

IT IS FURTHER ORDERED that a certificate of appealability is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

---

JOY FLOWERS CONTI  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Terry Dutrieville  
DZ-4893  
SCI Smithfield  
1120 Pike Street  
P.O. Box 999  
Huntingdon, PA 16652

Ronald M. Wabby, Jr.  
Assistant District Attorney  
Office of the District Attorney  
Appeals/Post Conviction  
401 Allegheny County Courthouse  
Pittsburgh, PA 15219